

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO GOMEZ,

Defendant.

**8:16CR62**

**ORDER**

This matter is before the Court on defendant Francisco Gomez’s (“Gomez”) pro se motion for compassionate release (Filing No. 268) pursuant to 18 U.S.C. § 3582(c)(1)(A). In pertinent part, that statute permits him to move the Court to “reduce [his] term of imprisonment” for “extraordinary and compelling reasons” thirty days after the warden of the facility where Gomez resides receives a request to file such a motion on Gomez’s behalf. *Id.* § 3582(c)(1)(A)(i); *see also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020). Upon initial review of Gomez’s motion, the Court finds Gomez has potentially raised a colorable claim under § 3582(c)(1)(A), and that appointment of counsel would help the Court determine whether relief is warranted under that section. Accordingly,

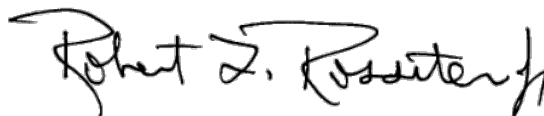
IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Gomez for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

3. If upon his review the Federal Public Defender should conclude that Gomez's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The government shall respond to Gomez's motion on or before June 16, 2020. The Federal Public Defender shall promptly file any supplementary briefing or evidence necessary to the Court's disposition of the motion. Absent an extension, Gomez's motion shall be deemed submitted as of June 24, 2020.
5. The U.S. Probation and Pretrial Services Office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating Gomez's motion. The Federal Public Defender shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The probation office is directed to conduct an investigation of Gomez's compassionate release request and promptly file under seal a report on that investigation.

Dated this 9th day of June 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
United States District Judge